

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD DECEMBER 1, 2015**

CALL TO ORDER

At 7:09 p.m., The Mayor called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and the Mayor answered present. Mr. Faecher was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Deputy Clerk Patty Donahue. Township Clerk Ana Minkoff was absent.

The Mayor announced that the Executive Session would be moved to the back of these proceedings.

FLAG SALUTE

The Mayor asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION – Downtown Beautification Committee Branding Presentation

Ms. Julie Lloyd introduced herself and Ms. Gail Nelson and stated they were members of the Downtown Beautification Committee. Ms. Lloyd spoke about 1) things they wanted to “do” for the Downtown in the last year; 2) one of the things they wanted to “do” was the Welcome signs and elaborated; and 3) branding and a resident branding expert (Gail Nelson.)

Ms. Nelson spoke about branding in general and then specifically for Berkeley Heights and elaborated. Ms. Nelson spoke about the process they went through to come up with the Berkeley Heights brand (i.e., research, findings to implement a strategy and design.) Ms. Nelson spoke about the development of a questionnaire to interview a cross-section of the stakeholders to understand their perceptions of the town. She stated that Ms. Lloyd would review those findings in detail. Ms. Nelson spoke about conducting an audit of what Berkeley Heights looks like (i.e., visual assets,) as well as those of surrounding towns. Ms. Nelson spoke about this information gathering and the creation of the grand platform (i.e., what are we about, what should we look like). Ms. Lloyd further described working with an artist (for images, fonts, colors.) Ms. Nelson described (their process) as “tried and true” methodology.

Ms. Lloyd spoke about the resident interviews (13 questions) and stated that 43 residents were interviewed (each interview averaged 35 to 45 minutes in length.) She elaborated on the interview questions, survey pool and interview findings. Ms. Lloyd spoke about other municipalities’ websites. She spoke about sample “Welcome” signs (taking over 300 pictures.) Ms. Lloyd spoke about this process leading them to a grand platform and elaborated. Ms. Lloyd spoke about their signage and signature line recommendation. Mrs. Kingsley acknowledged Ms. Kerry Blasch’s (resident) hand-done painting.

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Discussion ensued on the sign color (grey, taupe, white,) sign material type, sign locations, size of the survey/interviews, putting branding information on the website, timing of the process, website launch date, color and fonts for the brand (including website use,) park and field signs, banners, directional markers, community guide, assorted merchandise, associated costs, sale of silkscreens, size of the signs, and placing the sign on the website. The Mayor asked if anyone had questions.

Mr. Yellin asked about the survey, specifically feedback regarding what could be improved. Ms. Lloyd responded. Mr. Yellin spoke about a previous survey he worked on, an online survey, town sentiment and “disconnect,” and further survey work and the brand. Discussion ensued (Ms. Lloyd, Mrs. Kingsley, the Mayor, Ms. Nelson, Mr. Yellin.)

Mr. Foregger asked about the cost of the signs. Discussion ensued (Mrs. Kingsley.) Mr. Foregger asked about the source of the funding. Discussion ensued (Mrs. Kingsley, Mr. Foregger.)

A resident named Scott asked about the current Baseball Championship signs and whether they would “stay up.” Discussion ensued (Ms. Lloyd.)

A resident asked about sponsored signs. Discussion ensued (Mrs. Kingsley.)

TOWNSHIP COUNCIL REPORTS

Mr. Delia – Mr. Delia had nothing to report.

Mr. Hall – Mr. Hall had nothing to report.

Mr. Pirone – Mr. Pirone had nothing to report.

Mr. Pastore – Mr. Pastore spoke about the Tree lighting, Santa visit and Winter Walk.

Mrs. Kingsley – Mrs. Kingsley gave an update on the Swiftreach Alert system, the Facebook page, and gave a “shout out” to Mr. Bocchino, John and Joe at the DPW in regards to the holiday decorations set up without double overtime, and by December 1st.

ADMINISTRATION REPORTS

Mayor Woodruff – The Mayor gave “kudos” and thanks to the Fire Department (as well as the Rescue Squad and other Towns’ Departments) regarding the significant brush fire on Route 78 on the previous Friday. The Mayor also spoke about the upcoming concert to support the Veterans Memorial.

Mr. Bussiculo – Mr. Bussiculo reported about/gave an update on: 1) the Swiftreach and thanked Barbara Russo and Charlie Pratt; 2) Pilot Program Parking permits; 3) Construction Department applications and permits; 4) Passaic River start date is December 7th; 5) Park Avenue Cracked Ceiling; 6) Santa Visit on December 5th; the Recreation Winter program registration on Tuesday, December 8th; 7) no recent Safety and Compliance issues at the Sewer Department; some permits are in the renewal process; NJDEP fine update – it was brought down to \$1,000; Twin Falls pump issue; 8) Street sweeper; 9) Pusher and Tin Claw; 10) Leaf Pickup/Renewal; 11) Heritage Square decorative lights; 12) Auction ends December 7th; 13) Tin Claw benefits distributed.

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Mr. Pirone commented on the Tin Claw (and its use in another New Jersey town.) Discussion ensued (Mr. Bussiculo.)

Mr. Bussiculo continued his report and spoke 1) about the lights at Mountain and Plainfield, per Mrs. Kingsley's recent request; 2) the County did a Gypsy Moth egg nest survey – there is no infestation.

Mr. Delia spoke about the upcoming pancake breakfast at Mount Carmel. Discussion ensued.

Moved by Mr. Hall to accept and approve the Township Council and Administration Reports, seconded by Mr. Pirone and upon roll call vote.

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

HEARING ON AGENDA ITEMS ONLY

Moved by Mrs. Kingsley to open the Hearing on Agenda Items Only, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Hearing no voices, moved by Mrs. Kingsley to close the Hearing on Agenda items, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated December 1, 2015 in the amount of \$183,810.47.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

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Mr. Hall introduced the following resolution:

2. Resolution awarding bid to Jack Doheny Companies, Inc., 777 Doheny Drive, P.O. Box 609, Northville, Michigan, 48167, for Sanitary Sewer System Easement Cleaning Equipment in the amount not to exceed \$144,421.00

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mr. Pirone introduced the following resolution:

3. Resolution authorizing the Township's membership in the Garden State Municipal Joint Insurance Fund.

Moved by Mr. Pirone to approve resolution #3, seconded by Mrs. Pastore and carried.

The Mayor spoke about how the Township's insurance and provided some background. He stated that the Township is a member of the Garden State Municipal Joint Insurance Fund (JIF) and elaborated, including stating the amount the Township pays to the JIF (\$460,496.)

Upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:
(4. a-d)**

- a. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayment:
 1. Francisco and Lydia De Oliveira 56 Rogers Avenue \$3,139.76
- b. Resolution appointing Matt DeAngelis, 42 Maple Avenue, Berkeley Heights to the active roster of the Berkeley Heights Volunteer Fire Co.

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- c. Resolution authorizing Smith Chiropractic Center to host its annual 5K Charity Road Race & Fitness Walk on Sunday, September 18, 2016.
- d. Resolution authorizing the release of a Performance Surety Bond and a Cash Bond for Summit Medical Group.

Moved by Mr. Pastore to approve resolution #4a through d, seconded by Mrs. Kingsley, and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

Mr. Hall introduced the following resolution:

- 5. Resolution authorizing the Township to enter into an Agreement with the County of Union and Berkeley Development Company, L.P., which will memorialize the terms and conditions of the construction and ongoing maintenance of the traffic device at the intersection of Springfield Avenue and Lone Pine Drive.

Moved by Mr. Hall to approve resolution #5, seconded by Mr. Pastore and carried.

Mr. Delia asked what this was about. Mr. Sordillo responded. Mr. Delia then stated that he wasn't asking this to stir trouble but raised a topic which was brought up at Atlantic City, specifically that an Agenda can be changed up to 10 (ten) hours before a meeting and questioned whether it is legal or right to do so. Mr. Sordillo responded.

Upon roll call vote:

Ayes: Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: Mr. Faecher

INTRODUCTION OF ORDINANCE:

Public Hearing and Final Adoption scheduled for December 15, 2015:

The Deputy Clerk presented and read:

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“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, GRANTING A WATER AND SEWER LATERAL AGREEMENT TO BERKELEY DEVELOPMENT CO., LP, WITHIN THE TOWNSHIP’S RIGHT-OF-WAY KNOWN AS LONE PINE DRIVE.” (Explanation: This Ordinance granting a Water and Sewer Lateral Agreement to Berkeley Development Co., LP, for the construction and maintenance of water and sewer laterals within the Township’s right-of-way known as Long Pine Drive to service the property located at 394 Springfield Avenue as pursuant to the terms of the Planning Board’s grant of land use approval.)

Moved by Mrs. Kingsley that the ordinance as read by the Deputy Township Clerk be offered on the first reading, that December 15, 2015 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and carried.

Mr. Sordillo clarified that the title of the ordinance should read “easement” not “agreement” and elaborated.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: Mr. Faecher

CITIZENS HEARING

Moved by Mr. Pirone to open the Citizens hearing, seconded by Mrs. Kingsley, and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: Mr. Faecher

Mr. Stephen Yellin of 130 Dogwood Lane thanked Mr. Hall for what he has done for our town and elaborated.

Mr. Donald Treich of 19 Cedar Green Lane stated that he wanted to speak about two things: 1) can the County put a designated crosswalk by the YMCA on Station and Springfield and elaborated; 2) congratulate the people for the branding. However, he stated his concerns about lighting and signage and elaborated. Mrs. Kingsley responded.

Mr. Bussiculo commented on working with the County in regards to crosswalks (i.e., not as easy as we would like) and stated he would call the County the next day.

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Ms. Camilla Aragona of 56 Chaucer thanked the Beautification Committee for a great presentation. She commented on the lights (i.e., Chase.) Ms. Aragona also spoke about a “gem” hiding in our town, i.e., Mr. Barton, and elaborated. Mr. Bussiculo concurred. Ms. Aragona thanked “all” for the job they do.

Mr. Charlie Pratt of 45 Park Avenue spoke about the Swift system. He stated that it does not replace the Alert system which the Police have and elaborated. He stated that you have to register for both. Mr. Bussiculo and Chief DiPasquale elaborated.

Mr. Pratt stated that Ms. Lloyd did a nice job tonight and stated that Mr. Hall had done a good job.

Hearing no voices, moved by Mr. Pirone to close the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: Mr. Faecher

XIII. EXECUTIVE SESSION – Attorney Client Privilege/Litigation – Matula v. Berkeley Heights

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:27 p.m.)

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:33 p.m.)

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Faecher

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ADJOURNMENT

Moved by Mr. Delia to adjourn, seconded by Mr. Hall and upon roll call vote:
(8:34 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, and Mr. Pastore
Nays: None
Abstain: None
Absent: Mr. Pirone

Approved: January 26, 2016